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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,609	01/11/2001	Uri Geller	YG-47-010111	8013
22712	7590	10/05/2005	EXAMINER	
PAUL A. GUSS PAUL A. GUSS ATTORNEY AT LAW 775 S 23RD ST FIRST FLOOR SUITE 2 ARLINGTON, VA 22202			SRIVASTAVA, VIVEK	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,609

Applicant(s)

GELLER, URI

Examiner

Vivek Srivastava

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brasseur et al (US 6,439,997) in view of the Adoption Solutions website (AdoptionsSolutions.com).

Regarding claim 1 and 16, Brasseur discloses a method of selecting contestants comprising providing a plurality of contestants, broadcasting profiles of the contestants, and awarding a contestant. Brasseur further discloses a communications network i.e. Internet for transmitting selections of the viewers (see fig 1), a broadcast headend facility comprising a system server 110 (fig 1) inherently comprising a file storage server for compiling the selections transmitted over the communications network for the plurality of contestants (col 1 line 35 – col 2 line 8, col 3 line 55 – col 4 line 13). Brasseur further discloses a viewer input device i.e. PC's and a television receiver for displaying the profiles of the contestants.

Brasseur fails to disclose parent-contestants, images of Parent-contestants and awarding one child available for adoption to the at least winning parent contestant.

The Adoptions Solutions Website teaches an internet based communication system in which parent-contestants can register for adopting a child. The Adoption Solutions website further teaches displaying images of the parent-contestants. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brasseur to include the claimed limitations for the benefit of promoting child adoption by providing a child to most deserving parent contestant.

Regarding claims 2 and 17, the combination of Brasseur and the Adoptions Solutions Website discloses the claimed limitation, wherein the Adoption Solution Website discloses displaying, on a receiving unit, at least on image of a child available for adoption.

Regarding claim 3, the combination of Brasseur and the Adoptions Solutions Website disclose the claimed limitation, wherein the combination of Brasseur and the Adoptions Solutions Website discloses displaying images, and Brasseur discloses a function of time (time period between awards – see col 2 lines 47 – 56).

Regarding claims 4 and 5, the combination of Brasseur and the Adoptions Solutions Website discloses the claimed limitation, wherein Brasseur discloses transmitting selections from a plurality of viewers to a server facility over a communications network and compiling said selections transmitted over the communications network for selecting contestants to remain in the pool (see col 1 line 35 – col 2 line 8, col 3 lines 13 – 30, col 3 line 55 – col 4 line 13) and the Adoptions

Solutions Website discloses parent-contestants. Brasseur further discloses transmitting comments (see col 3 lined 35 – 30).

Regarding claim 6, Brasseur discloses a viewer can submit comments, but fails to disclose the viewer's comment is extemporaneous narrative and/or pre-selected narrative. Official Notice is taken it would have been well known to provide extemporaneous narrative and/or pre-selected narrative to describe a second person known to a first person. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Brasseur and the Adoption Solutions website to include a viewer submitting comments which are extemporaneous narrative and/or pre-selected narrative to describe a person for the benefit of making it easier to select a contestant based on the knowledge of other people's experience with that person.

Regarding claims 7 and 8, the combination of Brasseur and the Adoption Solution website fails to disclose the claimed wherein the selections are supplemented by bonus points and the claimed wherein points are awarded to the parent-contestant based upon the performance of the specified games or tasks.

Official Notice is take it would have been well known in game shows for contestants to win bonus points based on performance. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Brasseur and the Adoption Solutions website to include the claimed limitations for the benefit of making it easier to select a contestant or to select

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the most deserving contestant based on contestant' performance with respect to games or tasks

Regarding claim 9, the combination of Brasseur and the Adoptions Solutions website discloses the claimed limitations, wherein Brasseur discloses wherein the contestants receiving the greatest number of selections is selected to remain in the pool (see col 4 lines 1 – 6).

Regarding claims 10 and 11, Brasseur discloses the claimed wherein the selections are made intermittently or periodically and wherein the compiling is performed either intermittently or periodically (see col 1 line 35 – col 2 line 8, col 3 lines 13 – 30, col 3 line 55 – col 4 line 13).

Regarding claim 12, the combination of Brasseur and the Adoption Solutions website fails to disclose the claimed wherein the viewers are presented with the opportunity to change their selections after a specified period of time and or the occurrence of a specified event.

Official Notice is taken it would have been well known enable a user to change their selection after a specified period of time and / or after the occurrence of an event for the benefit of providing a user with time to ensure the correct selection was made. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Brasseur and the Adoption Solutions website to include the claimed limitation for the benefit of providing a user with time to ensure a correct selection was made.

Regarding claims 14, 15 and 18, Brasseur discloses a PC and TV for displaying information (see fig 1). It is noted that graphical information is displayed by accessing a web site (see col 3 lines 30 – 40) and that the PC is the input device.

Regarding claims 13 and 19 – 21, the combination of Brasseur and the Adoption Solutions Website discloses the claimed limitations, wherein Brasseur discloses a user surveillance system wherein the contestants are subject to continuous surveillance for a fixed time period by a film crew inherently having a portable surveillance device i.e. camera for distribution over the Internet (see col 4 lines 22 – 39, col 3 lines 42 – 54).

Regarding claim 22, the combination of Brasseur and the Adoptions Solutions Website fails to disclose the claimed wherein the portable device is wirelessly coupled to the headend facility.

Official Notice is taken it would have been well known to couple a camera wirelessly to a receiver for benefit of avoiding the use of wires. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brasseur to include the claimed limitation for the benefit of transmitting the data obtained from the film crew to the headend instantaneously without the use of a wired network.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Berman (US 5,035,422) – Interactive game show

Trew (US 5,936,661) – Interactive television game

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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(Date)

Typed or printed name of person signing this certificate:

Signature: _____

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Certificate of Transmission

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Vs
9/28/05

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized flourish extending from the end.

VIVEK SRIVASTAVA
PRIMARY EXAMINER